

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ALFRED MAUDLIN

§

VS.

§

CIVIL ACTION NO. 1:13cv54

C.V. RIVERA, ET AL.

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Alfred Maudlin, an inmate at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought the above-styled lawsuit against C.V. Rivera and Gerardo Maldonado.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed as barred by 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. For the reasons set forth in the Report, plaintiff is barred from proceeding with this action on an *in forma pauperis* basis pursuant to 28 U.S.C. § 1915(g). Further, plaintiff states he did not file a new action and requests that the action be dismissed. Plaintiff states he only filed a status request seeking to amend his pending habeas action, civil action no. 1:12cv267.

To the extent plaintiff's amended pleadings may be interpreted as seeking habeas relief, plaintiff's amended complaint and subsequent pleadings (docket entry nos. 5, 6, and 7) should be filed in his pending habeas action, civil action no. 1:12cv267, styled *Maudlin v. Bureau of Prisons*. The dismissal of this action is without prejudice to plaintiff's ability to pursue any habeas claims in No. 1:12cv267.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. The Clerk is **DIRECTED** to file plaintiff's amended complaint and subsequent pleadings (docket entry nos. 5, 6, and 7) in plaintiff's pending habeas petition, civil action no. 1:12cv267. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **22** day of **March, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge